

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). CHRISTOPHER E. PLATTEN #111971 WYLIE, MCBRIDE, PLATTEN & RENNER 2125 CANOAS GARDEN AVE., #120 SAN JOSE, CA 95125 TELEPHONE NO.: (408) 979-2920 FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): PLAINTIFFS	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF United States Court-San Jose STREET ADDRESS: 280 South 1st Street, Rm. MAILING ADDRESS CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME:	
PLAINTIFF/PETITIONER: JUAN DIAZ DEFENDANT/RESPONDENT: CITY OF SAN JOSE	CASE NUMBER: C07 06424 JW
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: 267740

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☐ summons
 - b. ☐ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): SUMMONS IN A CIVIL CASE; CIVIL CASE COVER SHEET; COMPLAINT; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; WELCOME TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, CLERK'S OFFICE, SAN JOSE DIVISION
3. a. Party served (specify name of party as shown on documents served):
CITY OF SAN JOSE
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: 200 E. SANTA CLARA STREET 2ND FLR
SAN JOSE, CA 95113
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ by substituted service. On (date): 1/18/2008 at (time): 2:05PM I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
CECILIA DELGADO, DEPUTY
 - (1) ☒ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

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PLAINTIFF/PETITIONER: JUAN DIAZ	CASE NUMBER:
DEFENDANT/RESPONDENT: CITY OF SAN JOSE	C07 06424 JW

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant. CITY OF SAN JOSE
- d. ☒ On behalf of (specify):
- under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Louis Gutierrez
- b. Address: **Professional Legal Services, Inc.**, P.O. Box 28404, San Jose, CA 95159
- c. Telephone number: 408-247-1574
- d. The fee for service was: \$ \$72.50
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 1057
- (iii) County: Santa Clara

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

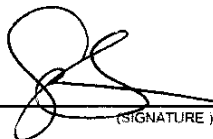
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: January 23, 2008

Louis Gutierrez

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

Attorney Or Party Without Attorney (Name and Address)		Telephone:		FOR COURT USE ONLY	
CHRISTOPHER E. PLATTEN #111971 WYLLIE, MCBRIDE, PLATTEN & RENNER 2125 CANOAS GARDEN AVE., #120 SAN JOSE, CA 95125		(408) 979-2320			
Attorneys for: PLAINTIFFS		Ref. No. Or File No. 267740			
Insert name of court, judicial district and branch court, if any: UNITED STATES COURT-SAN JOSE UNITED STATES DISTRICT COURT-SAN JOSE					
Plaintiff: JUAN DIAZ					
Defendant: CITY OF SAN JOSE					
POS BY MAIL		Date:	Time:	Dept/Div:	Case Number: C07 06424 JW

At the time of service I was at least 18 years of age and not a party to this action.
On January 18, 2008, I served the within :

SUMMONS IN A CIVIL CASE; CIVIL CASE COVER SHEET; COMPLAINT; ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE AND ADR DEADLINES; WELCOME TO THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA, CLERK'S OFFICE, SAN JOSE DIVISION

on the defendant in the within action by placing a true copy in a sealed envelope with postage fully
prepaid for first class in the United States mail at San Jose, California, addressed as follows:

CITY OF SAN JOSE
200 E. SANTA CLARA STREET 2ND FLR
SAN JOSE, CA 95113

Person serving:
ROSE PENA
PROFESSIONAL LEGAL SERVICES, INC.
P.O. Box 669, San Jose, CA 95106
408-247-1574 Fax 408-554-0855

a. Fee for service:
d. Registered California Process Server
(1) Employee or independent contractor
(2) Registration No.:
(3) County:
(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

Date: January 23, 2008

Signature: 
ROSE PENA

